

**MINUTES**  
**ALBION CITY COUNCIL**  
**REGULAR MEETING**  
**TUESDAY, APRIL 13, 2021**

A Regular Meeting of the Albion City Council of the City of Albion, Nebraska was convened in open and public session at 7:30 p.m. on April 13, 2021 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Jack Dailey, Marcus Johnson, and Jon Porter. City staff present were: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Utility Billing Clerk Amber Wynn, Interim Water Commissioner Warren Myers, and City Attorney Darren Wright. Notice of this meeting along with the agenda was simultaneously given in advance to all members of the Board. Notice of this meeting was given in advance by publication, a designated method for giving notice; a copy of proof of publication is attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. The meeting was recorded using an audio recording device and such recording is available for inspection at the office of the City Clerk.

**MAYOR'S COMMENTS**

Mayor Jarecki informed the public about the location of the current copy of the Open Meetings Act posted in the Council Chambers. The Mayor commended all the first responders in our town as he experienced their efficiency first-hand.

**2. CONSIDER APPROVAL OF MINUTES OF THE MARCH 9, 2021 CITY COUNCIL MEETING**

Councilman Porter made a motion to approve the minutes of the March 9, 2021 City Council meeting; second by Johnson. **Vote: Yeas; Porter, Johnson, Dailey. Nays; None.**

**3. CONSIDER MAYORAL APPOINTMENT TO FULFIL UNEXPIRED TERM OF FORMER CITY COUNCIL MEMBER J. CHRIS KOHTZ UNTIL DECEMBER 2022**

Mayor Jarecki stated that Jason Tisthammer submitted a letter wishing to fulfil the vacancy. The Mayor asked council members to consider the appointment of Mr. Tisthammer, commenting that he would make a good member. Councilman Porter made a motion to approve appointment of Jason Tisthammer to fulfil the unexpired term of former City Council Member J. Chris Kohtz until December 2022, second by Dailey. **Vote: Yeas; Johnson, Dailey, Porter. Nays; None.**

4. **CONSIDER STREET CLOSURE REQUEST OF DOWNTOWN STREETS FOR THE FOLLOWING COMMUNITY EVENTS:**

- REQUEST OF HWY 14 BREWING CO. TO TEMPORARILY CLOSE 4TH STREET BETWEEN CHURCH AND MAIN STREETS ON APRIL 25, 2021 FROM 8:00 AM TO 7:00 PM FOR A COMMUNITY FUNDRAISING EVENT
- REQUEST OF SMOKE N CHROME ON MAIN, COMMITTEE TO TEMPORARILY CLOSE DOWNTOWN STREETS FOR CAR SHOW ON JUNE 19, 2021 FROM 6:30 AM TO 3:00 PM
- REQUEST OF ALBION/BOONE CENTRAL ALUMNI COMMITTEE TO TEMPORARILY CLOSE DOWNTOWN STREETS FOR ALBION/BOONE CENTRAL ALUMNI FESTIVAL AND STREET DANCE FROM 8:00 AM JUNE 19, 2021 TO 8:00 AM ON JUNE 20<sup>TH</sup>, 2021
- REQUEST OF ALBION CHAMBER TO TEMPORARILY CLOSE 4<sup>TH</sup> STREET BETWEEN CHURCH AND MAIN STREETS ON JUNE 19, 2021 FROM 7:30 AM TO 3:00 PM FOR A STREET FESTIVAL AND MARKET
- REQUEST OF LORI KROHN TO CLOSE CHURCH STREET FROM 5<sup>TH</sup> STREET TO 3<sup>RD</sup> STREET FROM 9:20 AM TO 11:30 AM ON JULY 4, 2021 FOR AN INDEPENDENCE DAY KIDDIE PARADE
- REQUEST OF ALBION CHAMBER OF COMMERCE TO TEMPORARILY CLOSE DOWNTOWN STREETS ON DECEMBER 2, 2021 FROM 5:30 PM TO 7:00 PM FOR A HOLIDAY LIGHT PARADE

Councilman Porter noted there were no streets named in the Alumni's street closure request. Clerk Devine stated that the Alumni and Chamber Festivals on June 19, 2021 overlap the same area. Also, depending on the number of vendors, the Chamber might need to close a portion of Church Street as well. Councilman Dailey made a motion to approve requests to close downtown streets for community events as presented, second by Johnson. **Vote: Yeas; Dailey, Johnson, Porter. Nays; None.**

5. **CONSIDER ORDINANCE 308(21) REGARDING THE FILING OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF WILMA JEAN BURGE, 631 W MAIN STREET**

Clerk Devine noted the bill has been paid. Councilman Porter made a motion to indefinitely postpone action on Ordinance 308(21), second by Johnson. **Vote: Yeas; Dailey, Porter, Johnson. Nays; None.**

6. **CONSIDER ORDINANCE 309(21) AMENDING ALBION CITY CODE CHAPTER 6 – PUBLIC UTILITIES**

Clerk Devine reviewed the changes with council members, stating that several changes were improved language taken from the League of Nebraska Municipalities model ordinances. There were also changes to the language regarding late fees, final bills, and disconnection/reconnection that will help provide clarity to the consumer.

Councilman Porter made a motion to introduce Ordinance 309(21). Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Johnson made a motion to suspend the statutory rule that the ordinance be read on three separate days, second by Porter. **Vote: Yeas; Dailey, Johnson, Porter. Nays; None.**

Mayor Jarecki instructed Clerk Devine to read the ordinance for the second and third time. Councilman Johnson made a motion to approve all readings and final passage of Ordinance 309(21) Amending Albion City Code Chapter 6-Public Utilities, second by Porter. Councilman Johnson called the question. Mayor Jarecki declared Ordinance 309(21) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 309(21) finally pass? **Vote: Yeas; Dailey, Porter, Johnson. Nays; None.**

**7. CONSIDER ORDINANCE 310(21) AMENDING ALBION CITY CODE CHAPTER 8 – BUILDING AND BUILDING REGULATIONS**

Clerk Devine reviewed the changes with council members. On the contractor registration application language was changed to mirror the State Worker's Compensation Act. This would remove the City from responsibility of verifying whether or not the contractor is required to provide Worker's Compensation insurance. Councilman Dailey questioned why the City is involved with the contractor's insurance. Clerk Devine and Building Inspector Myers explained it is to protect the citizens/homeowners.

The other change was to the section regarding water service pipe material. The current code requires the use of copper from the city main to the customer shut off valve. The change would allow other material, provided it conforms to the International Plumbers Code and has a tracer wire for locating purpose.

Councilman Johnson made a motion to introduce Ordinance 310(21). Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Dailey made a motion to suspend the statutory rule that the ordinance be read on three separate days, second by Johnson. **Vote: Yeas; Porter, Dailey, Johnson. Nays; None.**

Mayor Jarecki instructed Clerk Devine to read the ordinance for the second and third time. Councilman Johnson made a motion to approve all readings and final passage of Ordinance 310(21) Amending Chapter 8-Building and Building Regulations of the Albion Municipal Code, second by Porter. Councilman Johnson called the question. Mayor Jarecki declared Ordinance 310(21) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 310(21) finally pass? **Vote: Yeas; Porter, Johnson, Dailey. Nays; None.**

**8. CONSIDER RESOLUTION 103(21) AMENDING MASTER FEE SCHEDULE AND TERMINATING ANY AND ALL RESOLUTIONS THAT CONFLICT THEREWITH**

Clerk Devine reviewed the changes with council members. There was language added to the Utility Bills section regarding delinquency of final bills, which ties into the language change in Ordinance 309(21). The timing for delinquency on a final bill of a closed account would become delinquent 30 days after final bill due date. There were

also changes to Disconnection/Reconnection fees and Property Pin Location Assistance to allow for an hourly rate in difficult situations requiring additional hours of labor. Councilman Porter made a motion to introduce and approve Resolution 103(21) Amending Master Fee Schedule and Terminating any and all Resolutions that Conflict Therewith, second by Johnson. **Vote: Yeas; Porter, Dailey, Johnson. Nays; None.**

9. **CONSIDER RESOLUTION 104(21) DECLARING SURPLUS PROPERTY AND AUTHORIZING THE SALE OF THE SAME**

Council members reviewed the list of surplus property. There was discussion of the smaller recreational items. Clerk Devine stated he might contact other communities to see if they are interested in them. Councilman Johnson made a motion to introduce and approve Resolution 104(21) Declaring Surplus Property and Authorizing the Sale of the Same, second by Porter. **Vote: Yeas; Porter, Johnson, Dailey. Nays; None.**

10. **ACKNOWLEDGEMENT OF RECEIPT OF THE CITY ADMINISTRATOR REPORT TO THE CITY COUNCIL REGARDING THE STATUS OF VARIOUS CITY DEPARTMENTS, CITY ACTIVITIES, AND CITY FINANCIAL REPORTS**

Administrator Devine had previously provided a report for council review. Devine added that patching of 6<sup>th</sup> Street has been completed. Water Commissioner Myers updated the council on nitrate levels of the wells: Well #5 is 3.38; Well #4 is 3.56; and Well #3 (the one we plan to rehab) is 2.26. **No action taken.**

11. **CONSIDER BILLS FOR APPROVAL**

- CONSIDER MONTHLY BILLS FOR APPROVAL

Councilman Porter made a motion to approve the monthly bills for payment as presented, second by Johnson. **Vote: Yeas; Dailey, Johnson, Porter. Nays; None.**

12. **CONSIDER MEMBERSHIP APPLICATION TO THE ALBION VOLUNTEER FIRE DEPARTMENT OF RACHEL TISTHAMMER FOR APPROVAL**

Councilman Dailey made a motion to approve membership application of Rachel Tisthammer to the Albion Volunteer Fire Department, second by Johnson. **Vote: Yeas; Dailey, Porter, Johnson. Nays; None.**

13. **ACKNOWLEDGE ANNUAL REPORT FROM THE ANNUAL HOUSING AUTHORITY**

Council Members reviewed the Annual Report submitted by Tracy Lipker, Executive Director of Albion Housing Authority. **No action taken.**

14. **ITEMS TO BE PUT ON NEXT MEETING AGENDA**

**Next Regular Meeting: May 11, 2021 at 7:30 p.m.**

15. **ADJOURN**

At 8:05 p.m. Council Member Porter made a motion to adjourn the meeting, second by Johnson. **Vote: Yeas; Dailey, Porter, Johnson. Nays; None.**

I the undersigned Clerk hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council; that all subjects included in the foregoing proceedings were contained in the Agenda for the meeting, kept continually current and available for inspection at the office of the Clerk; that such subjects were contained in said Agenda for at least 24 hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for the examination and copying of the public; that said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification of meetings of said body were provided advance notification of the time and place of said meeting and subjects to be discussed at said meeting.

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James Jarecki, Mayor

ATTEST:

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Sharon Ketteler, Deputy Clerk